

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and  
STATE OF OHIO EX REL., PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE  
PHARMA INC., THE PURDUE FREDERICK  
COMPANY, INC., ENDO HEALTH  
SOLUTIONS INC., ENDO  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., NORAMCO,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., JOHNSON &  
JOHNSON, TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., ALLERGAN PLC f/k/a  
ACTAVIS PLC, ALLERGAN FINANCE LLC,  
f/k/a ACTAVIS, INC., f/k/a WATSON  
PHARMACEUTICALS, INC., WATSON  
LABORATORIES, INC., ACTAVIS LLC,  
ACTAVIS PHARMA, INC. f/k/a WATSON  
PHARMA, INC., INSYS THERAPEUTICS,  
INC., MALLINCKRODT PLC,  
MALLINCKRODT LLC, CARDINAL  
HEALTH, INC., McKESSON

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**PLAINTIFFS THE COUNTY OF  
CUYAHOGA, OHIO AND THE STATE  
OF OHIO *EX REL.* PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY'S RESPONSES  
AND OBJECTIONS TO  
MANUFACTURER DEFENDANTS'  
SECOND SET OF INTERROGATORIES**

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CORPORATION, AMERISOURCEBERGEN  
CORPORATION, HEALTH MART  
SYSTEMS, INC., H. D. SMITH, LLC d/b/a  
HD SMITH, f/k/a H.D. SMITH  
WHOLESALE DRUG CO., H. D. SMITH  
HOLDINGS, LLC, H. D. SMITH HOLDING  
COMPANY, CVS HEALTH  
CORPORATION, WALGREENS BOOTS  
ALLIANCE, INC. a/k/a WALGREEN CO.,  
and WAL-MART INC. f/k/a WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Manufacturer Defendants'<sup>1</sup> First Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seeks information that is not relevant to any party's claim or defense, or seeks

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<sup>1</sup> The Manufacturer Defendants are Endo Pharmaceuticals Inc.; Endo Health Solutions Inc.; Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; and Insys Therapeutics, Inc.

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to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute, or regulation. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained provided herein. All such objections and the grounds therefore are hereby reserved.

4. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Request to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Manufacturers as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will produce information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

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15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its production by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatories. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

**NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

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**SPECIFIC RESPONSES AND OBJECTIONS**

**Interrogatory No. 11:**

Identify all individuals with knowledge concerning the subject matter of the Complaint in the above-captioned matter, including individuals who are likely to have discoverable information. For each, describe the subjects on which they have knowledge or information.

**Response to Interrogatory No. 11:**

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome in that seeks “all individuals with knowledge concerning the subject matter of the Complaint in the above-captioned, including individuals who are likely to have discoverable information.” Read literally, this Interrogatory could include every employee and citizen of Cuyahoga County, every employee of the Manufacturer Defendants, and numerous third-parties around the country.

Plaintiff further objects in that this interrogatory asks for witness lists in advance of the completion of fact discovery that is underway, expert discovery that is upcoming and deadlines set pursuant to Case Management Order No. 1, paragraphs 3(e)(ii), 3(f), 3(h), and 3(i). Plaintiff objects based on undue burden to the extent this interrogatory seeks the disclosure and discovery of fact and expert witnesses prior to the express provisions of Case Management Order No. 1. Plaintiff objects in that this interrogatory seeks to require Plaintiff to disclose witnesses contrary to the discovery procedures set forth in Case Management Order No. 1, paragraph 9(b). Plaintiff objects to the extent this interrogatory asks for persons already identified in Plaintiff’s prior discovery responses.

Subject to and without waiving all objections, Plaintiff responds as follows: the table provided below identifies document custodians, employees, or representatives who are likely to have discoverable information.

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<b>Department</b>	<b>Custodian</b>	<b>Title</b>	<b>Subject Matter</b>
Health and Human Services	Dave Merriman	Assistant Director	Knowledge of the impact of the opioid crisis on Cuyahoga County Health and Human Services
Health and Human Services	Walter Parfejewiec	Director	Knowledge of the impact of the opioid crisis on Cuyahoga County Health and Human Services
Economic Opportunity and Growth	Matt Carroll	Chief Economic Opportunity and Growth Officer	Knowledge of the impact of the opioid crisis on Cuyahoga County
Office of Early Childhood	Rebekah Dorman	Director	Knowledge of the impact of the opioid crisis on the Office of Early Childhood
Health and Human Services – Family Services	Cynthia Weiskittel	Director	Knowledge of the impact of the opioid crisis on the Office of Health and Human Services – Family Services
Office of Homeless Services	Ruth Gillette	Director	Knowledge of the impact of the opioid crisis on the Office of Homeless Services
Office of Child Support	Deborah Watkins	Director	Knowledge of the impact of the opioid crisis on the Office of Child Support
Benefits and Compensation	Holly Woods	Director	Knowledge of the impact of the opioid crisis on the Office of Benefits and Compensation



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<b>Department</b>	<b>Custodian</b>	<b>Title</b>	<b>Subject Matter</b>
Justice – Medical Examiner	Hugh Shannon	Administrator	Knowledge of the impact of the opioid crisis on the Office of the Medical Examiner
Justice – Public Safety and Justice Services	Brandy Carney	Director	Knowledge of the impact of the opioid crisis on the Office of Public Safety and Justice Services
Justice – Public Safety and Justice Services	Melinda (Lindy) Burt	Deputy Director	Knowledge of the impact of the opioid crisis on the Office of Public Safety and Justice Services
Operations – Fiscal Office	Maggie Keenan	Director	Knowledge of the impact of the opioid crisis on the Fiscal Office
Operations – Fiscal Office	Wendy Feinn	Budget Analyst	Knowledge of the impact of the opioid crisis on the Fiscal Office
Operations – Treasurer	Patricia Cooney	Deputy Treasurer	Knowledge of the impact of the opioid crisis on the Office of the Treasurer
Operations – OBM	Maggie Kennan	Director	Knowledge of the impact of the opioid crisis on the Office of OBM
Drug Court	Molly Lechler	Drug Court Coordinator	Knowledge of the impact of the opioid crisis on the Drug Court
Corrections Planning Board	Martin Murphy	Assistant Director	Knowledge of the impact of the opioid crisis on the Office of Corrections
Corrections	Brian Ely	Substance Abuse Case Manager	Knowledge of the impact of the opioid crisis on the Office of Corrections

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<b>Department</b>	<b>Custodian</b>	<b>Title</b>	<b>Subject Matter</b>
Drug Lab	Shannon Gray	Lab Manager	Knowledge of the impact of the opioid crisis on the Drug Lab
County Medical Examiner	Thomas Gilson, M.D.	Medical Examiner	Knowledge of the impact of the opioid crisis on the Office of the Medical Examiner
County Opiate Task Force	Vince Caraffi	Supervisor	Knowledge of the impact of the opioid crisis on the Opiate Task Force
Corrections	Ken Mills	Director	Knowledge of the impact of the opioid crisis on the Office of Corrections

Also, Plaintiff identifies the following individuals:

<b>Name</b>	<b>Department</b>	<b>Subject Matter</b>
Scott S. Osiecki	ADAMHS Board Executive Director	Knowledge of the impact of the opioid crisis on ADAMHS
Terry Allan, MPH	County Board of Health Commissioner	Knowledge of the impact of the opioid crisis on the Board of Health
Michael C. O'Malley	Cuyahoga County Office of the Prosecutor	Knowledge of the impact of the opioid crisis on the Cuyahoga County Office of the Prosecutor

Plaintiff reserves the right to supplement and amend this response upon further investigation. In addition, discovery is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

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**Interrogatory No. 12:**

Identify all medical or scientific research, data, information, literature or other documents or communications that Plaintiff believes or maintains supports, underlies, and/or forms the basis for Plaintiff's claims in this litigation.

**Response to Interrogatory No. 12:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "all" medical or scientific research, data, information, literature or other documents or communications that Plaintiff believes or maintains supports, underlies, and/or forms the basis for Plaintiff's claims. Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Plaintiff objects to this Interrogatory as vague, ambiguous and calling for speculation in seeking information about the beliefs of individual third parties. Plaintiff notes that there is a vast amount of peer-reviewed and other literature, testimony before public entities, and on-line information in the public domain, equally available to Defendants, which may provide the answer, at least in large part, to Defendants' Interrogatory. Lastly, discovery continues and Plaintiff will produce a trial witness list and expert reports pursuant to CMO No. 1 and the Federal Rules of Civil Procedure.

Subject to and without waiving all objections, Plaintiff responds as follows: Plaintiff incorporates the allegations in its Second Amended Complaint, which specifically identified medical or scientific research, data, information, literature or other documents or communications.

Plaintiff reserves the right to supplement, modify or amend this response upon further investigation and discovery. In addition, discovery is ongoing, and this topic may be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

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**Interrogatory No. 13:**

Identify and describe all disciplinary matters, investigations, complaints, arrests, indictments, prosecutions, or attempts by Plaintiff, or anyone acting on Plaintiff's behalf, to identify drug abusers, health care providers, or others involved in unlawful activity or prescribing practices related to opioids.

**Response to Interrogatory No. 13:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "all" disciplinary matters, investigations, complaints, arrests, indictments, prosecutions, or attempts by Plaintiff, or anyone acting on Plaintiff's behalf, to identify drug abusers, health care providers, or others involved in unlawful activity or prescribing practices related to opioids.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff incorporates the allegations in its Second Amended Complaint. To the extent this Interrogatory requests identification of potential tortfeasors, Plaintiff incorporates the allegations in its Second Amended Complaint.

Also, Plaintiff refers Defendants to the indictments produced in this litigation:

CUYAH\_000020854 - CUYAH\_000088895 and CUYAH\_000097414, which identifies charges brought by the Cuyahoga County Prosecutor's Office.

Plaintiff reserves the right to supplement and amend this response upon further investigation and as fact discovery continues.

**Interrogatory No. 14:**

Identify all actions taken by the Cuyahoga County Council or the Cuyahoga County Executive before filing this litigation to reduce the number of prescription opioids prescribed in Cuyahoga

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County. Please include and specifically note in your identifications any specific efforts to prohibit or otherwise restrict the prescribing of prescription opioids for chronic non-cancer pain, including but not limited to any communications or petitions from Plaintiff or anyone acting on Plaintiff's behalf to insurance companies, pharmacy benefit managers, the Food and Drug Administration, any other federal agency, or the Governor or legislature of the State of Ohio.

**Response to Interrogatory No. 14:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "all" actions taken by the Cuyahoga County Council or the Cuyahoga County Executive before filing this litigation to reduce the number of prescription opioids prescribed in Cuyahoga County.

Subject to and without waiving all objections, Plaintiff incorporates the allegations in Plaintiff's Second Amended Complaint. Plaintiff is currently investigating this issue as part of its case preparation and in response to the Defendant's document requests and will supplement this response with additional details.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 15:**

Identify all communications prior to the filing of Plaintiff's initial Complaint between Plaintiff or anyone acting on Plaintiff's behalf and any Manufacturer Defendant. Please include in your identification any communications in which, in words or substance, Plaintiff or anyone acting on Plaintiff's behalf requested information from such Manufacturer Defendant related to opioids or communicated complaints or concerns about such Defendant's acts or omissions related to opioids. For each Manufacturer Defendant for which you cannot identify any communications between Plaintiff and that Manufacturer Defendant, please so state.

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**Response to Interrogatory No. 15:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” communications prior to the filing of Plaintiff’s initial Complaint between Plaintiff or anyone acting on Plaintiff’s behalf and any Manufacturer Defendant. Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants.

Subject to and without waiving all objections, Plaintiff’s response to this Interrogatory is subject to the completion of its investigation in this case and its responses to Defendants document requests including the request for all communications with Defendants. Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff’s possession, custody, or control, will produce documents that identify such communications.

**Interrogatory No. 16:**

State whether Plaintiff or anyone acting on Plaintiff’s behalf has, since Plaintiff filed its initial Complaint, continued to reimburse or pay for prescriptions of prescription opioids for chronic non-cancer pain and identify any changes Plaintiff or anyone acting on Plaintiff’s behalf has made to its policies and procedures for the reimbursement of prescription opioids at any time.

**Response to Interrogatory No. 16:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “any” changes.

Subject to and without waiving all objections, Plaintiff’s response to this Interrogatory is subject to the completion of its investigation in this case and its responses to Defendants document requests including the requests related to Plaintiff’s health claims information. Plaintiff will conduct

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a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify such communications and/or changes.

**Interrogatory No. 17:**

Identify all persons formerly and currently employed, affiliated with or consulted by Plaintiff (including any third party individual or entities) who are or were involved in deciding whether and on what terms to provide coverage or payment for prescription opioids.

**Response to Interrogatory No. 17:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "all" persons formerly and currently employed, affiliated with or consulted by Plaintiff (including any third party individual or entities). Plaintiff further objects to this Interrogatory as seeking the names of third parties of which Plaintiff may not be aware, such as employees at County health plans.

Subject to and without waiving all objections, Plaintiff produced organizational charts. Also, Plaintiff states that its Human Resources department works in conjunction with Oswald Companies and its outside providers on all health benefit coverage issues. Also, with regard to workers' compensation, Plaintiff's Human Resources department works in conjunction with Matrix, their third-party administrator, CompManagement, their MCO and the Ohio Bureau of Workers' Compensation for processing and adjudication of their workers' compensation claims and the related benefits. Plaintiff is unable to provide specific names of individuals and will supplement this response if it is able to do so based on its further investigation and the completion of its document production.

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**Interrogatory No. 18:**

Identify all persons or individuals formerly and currently employed or consulted by Plaintiff (including any third party entities or individuals) who participated in developing and implementing the policies and practices used by Plaintiff or its insurance programs when adjudicating claims seeking reimbursement for prescriptions of opioids.

**Response to Interrogatory No. 18**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” persons formerly and currently employed, affiliated with or consulted by Plaintiff (including any third party individual or entities). Plaintiff further objects to this Interrogatory as seeking the names of third parties of which Plaintiff may not be aware, such as employees at County health plans.

Subject to and without waiving all objections, Plaintiff produced organizational charts. Also, Plaintiff states that its Human Resources department works in conjunction with Oswald Companies and its outside providers on all health benefit coverage issues. Also, with regard to workers’ compensation, Plaintiff’s Human Resources department works in conjunction with Matrix, their third-party administrator, CompManagement, their MCO and the Ohio Bureau of Workers’ Compensation for processing and adjudication of their workers’ compensation claims and the related benefits. Plaintiff is unable to provide specific names of individuals and will supplement this response if it is able to do so based on its further investigation and the completion of its document production.

**Interrogatory No. 19:**

Describe the policies Plaintiff implemented and each specific action it or individuals or entities acting on its behalf took to process and adjudicate claims submitted for payment of opioids



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dispensed to patients insured by Plaintiff. Include in your descriptions (i) the person(s) most knowledgeable about opioid claims adjudication and approval; (ii) the method(s), criteria, information, or persons consulted and on which Plaintiff or anyone acting on Plaintiff's behalf relied to determine whether such claims involved a prescription that was medically necessary or otherwise eligible for payment, including all formulary limitations and restrictions; and (iii) any course of action considered or pursued prior to commencing the present action to ensure that health care providers did not recommend, prescribe, or dispense opioids for uses Plaintiff considers unwarranted or otherwise write medically unnecessary prescriptions to patients.

**Response to Interrogatory No. 19**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests Plaintiff to “describe the policies” and “each specific action”. Plaintiff further objects to this Interrogatory as seeking the names of third parties of which Plaintiff may not be aware, such as employees at County health plans.

Subject to and without waiving all objections, Plaintiff produced organizational charts. Also, Plaintiff states that its Human Resources department works in conjunction with Oswald Companies and its outside providers on all health benefit coverage issues. Plaintiff is unable to provide specific names of individuals and will supplement this response if it is able to do so based on its further investigation and the completion of its document production.

**Interrogatory No. 20:**

For each Manufacturer Defendant's opioid(s), state whether plaintiff or anyone acting on Plaintiff's behalf has ever denied payment or reimbursement for a prescription as medically unnecessary or inappropriate. If yes, for each Manufacturer Defendant list each instance and

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describe the incident by date, claim number, prescriber or health care provider, patient identity, amount, and the reason(s) given. If no for any manufacturer Defendant's opioid(s), please so state.

**Response to Interrogatory No. 20**

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, as it seeks each individual denial of payment. Plaintiff further objects to this Interrogatory to the extent it seeks information in the possession of third parties over which Plaintiff does not exercise control, such as insurance companies or health care providers. Plaintiff further objects to this Interrogatory to the extent it seeks private, HIPAA-protected information such as the patient identity.

Subject to and without waiving all objections, Plaintiff will produce information in accordance with Special Master Cohen's July 3, 2018 Order.

**Interrogatory No. 21**

Identify all "pill mills" (as that term is used in Plaintiff's Second Amended Corrected Complaint) that exist or existed in Plaintiff's jurisdiction. For each identification, state (i) which, if any, of the Manufacturer Defendant's opioids that are or were prescribed at that "pill mill" in excessive quantities or inappropriately in any other way; (ii) other opioids not associated with any Manufacturer Defendant that are or were prescribed at that "pill mill" in excessive quantities or inappropriately in any other way; (iii) when Plaintiff first learned of the existence of each "pill mill," (iv) all actions Plaintiff or those acting on Plaintiff's behalf has taken to restrict, shut down, curtail, or otherwise reduce the harmful effects of that "pill mill", and (v) whether the "pill mill" is currently operating in any form.

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**Response to Interrogatory No. 21**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” pill mills. Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants and third parties.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff r incorporates the allegations in its Second Amended Complaint and ¶¶ 690; 699.

Plaintiff is currently investigating this issue as part of its case preparation and in response to the Defendant’s document requests and will supplement this response with additional details. Specifically, Plaintiff continues to analyze the ARCOS database produced in this litigation and will provide liability expert reports in accordance with CMO 1 and the Federal Rules of Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 22**

For each opioid-containing product of each Manufacturer Defendant that you maintain or allege is at issue in this case, describe any risk that Plaintiff alleges is not adequately disclosed in such opioid-containing product’s operative FDA-approved prescribing information. For each opioid-containing product for which you cannot identify any such risks, please so state. For each opioid-containing product for which you maintain or allege there are such inadequately disclosed risks, please include in your description (i) the risk; (ii) the medical or scientific support for your assertion, if any; (iii) any communications between Plaintiff or anyone acting on Plaintiff’s behalf and the Manufacturer Defendant in which Plaintiff or anyone acting on Plaintiff’s behalf alerted, discussed or disclosed such risk to the manufacturer Defendant or other third party prior to filing this litigation; and (iv) any communications between Plaintiff or anyone acting on Plaintiff’s behalf and

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the FDA in which Plaintiff or anyone acting on Plaintiff's behalf alerted, discussed or disclosed such risk to the FDA prior to filing this litigation.

**Response to Interrogatory No. 22**

Plaintiff objects to this Interrogatory as vague, ambiguous in seeking "FDA-approved prescribing information." Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "any communications." Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants and third parties.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff incorporates the allegations in its Second Amended Complaint. Further responding, this topic will be addressed in Plaintiff's expert report(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation. Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

**Interrogatory No. 23**

Identify and describe all efforts, including the specific dollar amount expended on each, in which Plaintiff has engaged to date to "abate" the "opioid epidemic" in any way, including but not limited to "educating prescribers (especially primary care physicians and the most prolific prescribers of opioids) and patients regarding the true risks and benefits of opioid, including the risk of addiction," "providing addiction treatment to patients who are already addicted to opioids," and "making naloxone widely available so that overdoses are less frequently fatal," as those terms are used in Paragraph 141 of Plaintiff's Second Amended Corrected Complaint.

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**Response to Interrogatory No. 23**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” efforts, including the specific dollar amount expended on each, in which Plaintiff has engaged to date to “abate” the “opioid epidemic” in any way, including but not limited to “educating prescribers (especially primary care physicians and the most prolific prescribers of opioids) and patients regarding the true risks and benefits of opioid, including the risk of addiction,” “providing addiction treatment to patients who are already addicted to opioids,” and “making naloxone widely available so that overdoses are less frequently fatal,”.

Subject to and without waiving all objections, Plaintiff answers as follows: Plaintiff incorporates the allegations in its Second Amended Complaint.

Also, Plaintiff has already produced budget information identifying such expenditure, such as:

CUYAH\_000000001- CUYAH\_000000064  
CUYAH\_000000065 - CUYAH\_000000132  
CUYAH\_000000133 - CUYAH\_000000199  
CUYAH\_000000200 - CUYAH\_000000718  
CUYAH\_000000719 - CUYAH\_000000747  
CUYAH\_000000748 - CUYAH\_000000819  
CUYAH\_000000820 - CUYAH\_000001135  
CUYAH\_000001136 - CUYAH\_000001646  
CUYAH\_000001647 - CUYAH\_000001730  
CUYAH\_000001731 - CUYAH\_000001811  
CUYAH\_000001812 - CUYAH\_000001874  
CUYAH\_000001875 - CUYAH\_000001931

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CUYAH\_000001932 - CUYAH\_000002439

CUYAH\_000002440 - CUYAH\_000002502

CUYAH\_000002503 - CUYAH\_000002563

CUYAH\_000002564 - CUYAH\_000003072

CUYAH\_000003073 - CUYAH\_000003099

CUYAH\_000003100 - CUYAH\_000003172

CUYAH\_000003173 - CUYAH\_000003436

CUYAH\_000003437 - CUYAH\_000003508

CUYAH\_000003509 - CUYAH\_000004006

CUYAH\_000004007 - CUYAH\_000004036

CUYAH\_000004037 - CUYAH\_000004294

CUYAH\_000004295 - CUYAH\_000004374

CUYAH\_000004375 - CUYAH\_000004523

CUYAH\_000004524 - CUYAH\_000004552

CUYAH\_000004553 - CUYAH\_000004798

CUYAH\_000004799 - CUYAH\_000004968

CUYAH\_000004969 - CUYAH\_000005145

CUYAH\_000005146 - CUYAH\_000005327

CUYAH\_000005328 - CUYAH\_000005496

CUYAH\_000005497 - CUYAH\_000005739

CUYAH\_000005740 - CUYAH\_000006329

CUYAH\_000006330 - CUYAH\_000006573

CUYAH\_000006574 - CUYAH\_000006844

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CUYAH\_000006845 - CUYAH\_000006986

CUYAH\_000006987 - CUYAH\_000007216

CUYAH\_000007217 - CUYAH\_000007427

CUYAH\_000007428 - CUYAH\_000007466

CUYAH\_000007467 - CUYAH\_000007687

CUYAH\_000007688 - CUYAH\_000007711

CUYAH\_000007712 - CUYAH\_000007929

CUYAH\_000007930 - CUYAH\_000008002

CUYAH\_000008003 - CUYAH\_000008640

CUYAH\_000008641 - CUYAH\_000008680

CUYAH\_000008681 - CUYAH\_000008907

CUYAH\_000008908 - CUYAH\_000009206

CUYAH\_000009207 - CUYAH\_000009269

CUYAH\_000009270 - CUYAH\_000009290

CUYAH\_000009291 - CUYAH\_000009316

CUYAH\_000009317 - CUYAH\_000009326

CUYAH\_000009327 - CUYAH\_000009345

CUYAH\_000009346 - CUYAH\_000009367

CUYAH\_000009368 - CUYAH\_000009613

CUYAH\_000009614 - CUYAH\_000009831

CUYAH\_000010261 - CUYAH\_000010288

CUYAH\_000012351 - CUYAH\_000014730

CUYAH\_000010320 - CUYAH\_000010329

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CUYAH\_000010330 - CUYAH\_000010367

CUYAH\_000010368 - CUYAH\_000010423

CUYAH\_000010424 - CUYAH\_000010826

CUYAH\_000010827 - CUYAH\_000010845

CUYAH\_000010846 - CUYAH\_000010896

CUYAH\_000010897 - CUYAH\_000010909

CUYAH\_000010910 - CUYAH\_000011080

CUYAH\_000011081 - CUYAH\_000011251

CUYAH\_000011252 - CUYAH\_000011262

CUYAH\_000011263 - CUYAH\_000011318

CUYAH\_000011319 - CUYAH\_000011347

CUYAH\_000017939 - CUYAH\_000018600

CUYAH\_000011403 - CUYAH\_000011443

CUYAH\_000011444 - CUYAH\_000011492

CUYAH\_000011493 - CUYAH\_000011525

CUYAH\_000011526 - CUYAH\_000011570

CUYAH\_000011596 - CUYAH\_000011615

CUYAH\_000011616 - CUYAH\_000011623

CUYAH\_000011642 - CUYAH\_000011797

CUYAH\_000011799 - CUYAH\_000011884

CUYAH\_000011885 - CUYAH\_000011982

CUYAH\_000011997 - CUYAH\_000012044

CUYAH\_000012351 - CUYAH\_000012362



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CUYAH\_000012363 - CUYAH\_000012370

CUYAH\_000012371 - CUYAH\_000012382

CUYAH\_000012383 - CUYAH\_000012396

CUYAH\_000012397 - CUYAH\_000012408

CUYAH\_000012409 - CUYAH\_000012420

CUYAH\_000012421 - CUYAH\_000012432

CUYAH\_000012433 - CUYAH\_000012444

CUYAH\_000012445 - CUYAH\_000012456

CUYAH\_000012457 - CUYAH\_000012480

CUYAH\_000012481 - CUYAH\_000012496

CUYAH\_000012497 - CUYAH\_000012512

CUYAH\_000012513 - CUYAH\_000012528

CUYAH\_000012529 - CUYAH\_000012544

CUYAH\_000012545 - CUYAH\_000012560

CUYAH\_000012561 - CUYAH\_000012576

CUYAH\_000012577 - CUYAH\_000012592

CUYAH\_000012593 - CUYAH\_000012594

CUYAH\_000012595 - CUYAH\_000012943

CUYAH\_000013464 - CUYAH\_000013479

CUYAH\_000013806 - CUYAH\_000013812

CUYAH\_000013813 - CUYAH\_000013817

CUYAH\_000013818 - CUYAH\_000013820

CUYAH\_000018030 - CUYAH\_000018037

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CUYAH\_000018038 - CUYAH\_000018066

CUYAH\_000018067 - CUYAH\_000018072

CUYAH\_000018073 - CUYAH\_000018075

CUYAH\_000018076 - CUYAH\_000018078

CUYAH\_000018079 - CUYAH\_000018115

CUYAH\_000018116 - CUYAH\_000018118

CUYAH\_000018119 - CUYAH\_000018141

CUYAH\_000018142 - CUYAH\_000018154

CUYAH\_000018155 - CUYAH\_000018161

CUYAH\_000018162 - CUYAH\_000018174

CUYAH\_000018175 - CUYAH\_000018177

CUYAH\_000018178 - CUYAH\_000018178

CUYAH\_000018179 - CUYAH\_000018179

CUYAH\_000018180 - CUYAH\_000018199

CUYAH\_000018200 - CUYAH\_000018219

CUYAH\_000018220 - CUYAH\_000018232

CUYAH\_000018233 - CUYAH\_000018248

CUYAH\_000018249 - CUYAH\_000018264

CUYAH\_000018265 - CUYAH\_000018277

CUYAH\_000018278 - CUYAH\_000018281

CUYAH\_000018282 - CUYAH\_000018294

CUYAH\_000018295 - CUYAH\_000018322

CUYAH\_000018323 - CUYAH\_000018327

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CUYAH\_000018328 - CUYAH\_000018355

CUYAH\_000018356 - CUYAH\_000018360

CUYAH\_000018361 - CUYAH\_000018488

CUYAH\_000018489 - CUYAH\_000018509

CUYAH\_000018510 - CUYAH\_000018533

CUYAH\_000018534 - CUYAH\_000018549

CUYAH\_000018550 - CUYAH\_000018577

CUYAH\_000018578 - CUYAH\_000018582

CUYAH\_000018613 - CUYAH\_000018627

CUYAH\_000018676 - CUYAH\_000018726

CUYAH\_000020380 - CUYAH\_000020439

Plaintiff's damages in this matter are expected to include at least the following:

- Losses caused by the decrease in funding available for Plaintiff's public services for which funding was lost because it was diverted to other public services designed to address the opioid epidemic;
- Costs for providing healthcare and medical care for patients suffering from opioid-related addiction or disease, including overdoses and deaths;
- Costs of training emergency and/or first responders in the proper treatment of drug overdoses;
- Costs associated with providing naloxone – an opioid antagonist used to block the deadly effects of opioids in the context of overdose;
- Costs associated with the Sherriff's Office's responses to opioid overdoses;

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- Costs for providing mental-health services, treatment, counseling, rehabilitation services, and social services to victims of the opioid epidemic and their families;
- Costs associated with law enforcement and public safety relating to the opioid epidemic, including but not limited to attempts to stop the flow of opioids into local communities, to arrest and prosecute street-level dealers, to prevent the current opioid epidemic from spreading and worsening, and to deal with the increased levels of crimes that have directly resulted from the increased homeless and drug-addicted population;
- Costs associated with various public safety and health initiatives related to the opioid epidemic;
- Costs associated with increased burden on Plaintiff's drug court;
- Costs associated with clean-up of public parks, spaces and facilities of needles and other debris and detritus of opioid addiction;
- Loss of tax revenue due to the decreased efficiency and size of the working population in Plaintiff's community and due to other impacts on property values and other tax generators for Plaintiff;
- Losses caused by decreased business investment and tax revenue;
- Plaintiff's contributions to the Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) board;
- Increased public safety services, including but not limited to, training, investigations, staffing, jail expenses, dispatch services, task force as a result of the opioid epidemic;

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- Plaintiff's Health Department costs related to the opioid epidemic;
- Costs associated with impact of opioid epidemic on Plaintiff's vehicle fleet; and
- Costs for Plaintiff to properly and adequately abate the nuisance created by the opioid epidemic.

In addition, Plaintiff's investigation of its damages caused by the Defendants is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure. Plaintiff also incorporates its responses and objections to Interrogatory No. 4 of Plaintiff's First Amended Responses and Objections To Manufacturer Defendants' First Set of Interrogatories and Interrogatory No. 9 of Plaintiff's First Amended Responses and Objections To Distributor Defendants' First Set of Interrogatories.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 24**

Identify all former employees, contractors, or consultants of each Manufacturer Defendant with whom Plaintiff or those acting on Plaintiff's behalf have communicated regarding this lawsuit or the subject matter of this lawsuit. For each identification, include: (i) the date of such communication; (ii) the medium and location of such communication; (iii) for oral communications, the location as well as those present in person, by phone or otherwise; (iv) any document or communication reflecting, memorializing or relating to such communication; and (v) a description of such communication.

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**Response to Interrogatory No. 24**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” former employees, contractors, or consultants of each Manufacturer Defendant with whom Plaintiff or those acting on Plaintiff’s behalf have communicated regarding this lawsuit or the subject matter of this lawsuit. Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants.

Plaintiff objects to this Interrogatory as seeking information protected by the attorney client and work product privileges. This issue is currently being analyzed by Plaintiff’s experts whose reports and opinions will be disclosed in accordance with CMO 1 and the Federal Rules of Procedure. Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

**Interrogatory No. 25**

Does Plaintiff allege, maintain, or contend that opioid-containing products are always medically inappropriate for and should never be prescribed for the treatment of chronic non-cancer pain? If so, identify all medical or scientific data, information, literature or analysis that supports Plaintiff’s view. If not, identify all circumstances under which Plaintiff maintains or believes that opioid-containing products may be medically appropriate for the treatment of chronic non-cancer pain.

**Response to Interrogatory No. 25**

Plaintiff objects to this Interrogatory as vague to the extent it uses the undefined terms “opioid-containing products,” “chronic,” and “medically inappropriate.”

This issue is currently being analyzed by Plaintiff’s experts whose reports and opinions will be disclosed in accordance with CMO 1 and the Federal Rules of Procedure. Further answering, this

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Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

**Interrogatory No. 26**

Does Plaintiff allege, maintain, or contend that opioid-containing products are always medically inappropriate for and should never be prescribed for the treatment of acute or breakthrough non-cancer pain? If so, identify all medical or scientific data, information, literature or analysis that supports Plaintiff's view. If not, identify all circumstances under which Plaintiff maintains or believes that opioid-containing products may be medically appropriate for the treatment of acute or breakthrough non-cancer pain.

**Response to Interrogatory No. 26**

Plaintiff objects to this Interrogatory as vague to the extent it uses the undefined terms “opioid-containing products,” “acute,” “breakthrough,” and “medically inappropriate.”

These issues are being analyzed by Plaintiff's experts whose reports and opinions will be disclosed in accordance with CMO 1 and the Federal Rules of Procedure. Further answering, this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

**Interrogatory No. 27**

Identify all entities and individuals besides the Defendants named in Plaintiff's Second Amended Corrected Complaint who Plaintiff contends caused or contributed in any way to the alleged “public nuisance” or “health crisis” (as those terms are used in Plaintiff's Second Amended Corrected Complaint, including in paragraphs 20 and 140)). Include in your identification for each entity or individual: (i) their role in helping to cause or contributing in any way to the “public nuisance” or “health crisis” (as those terms are used in Plaintiff's Second Amended Corrected Complaint,

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including in paragraphs 20 and 140); and (ii) the specific actions or efforts, if any, Plaintiff has undertaken to mitigate the effects of those third parties' actions or omissions.

**Response to Interrogatory No. 27**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all” entities and individuals besides the Defendants named in Plaintiff’s Second Amended Corrected Complaint who Plaintiff contends caused or contributed in any way to the alleged “public nuisance” or “health crisis” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint, including in paragraphs 20 and 140).

Plaintiff responds discovery continues and Plaintiff will produce a trial witness list and expert reports pursuant to CMO No. 1 and the Federal Rules of Civil Procedure. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

**Interrogatory No. 28**

For each Manufacturer Defendant, identify and describe each “suspicious order[]” of opioids that each Manufacturer Defendant was under a “duty to report” and “not ship” ( as those terms are used in Plaintiff’s Second Amended Corrected Complaint, including in paragraph 471). For each such identification and description, include (i) the date(s); (ii) the opioid-containing product or products involved; (iii) the destination of the shipment; (iv) whether the manufacturer reported or shipped the order; and (v) Plaintiff’s basis for its contention that such shipment should have been “report[ed]” and not ship[ped]” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint, including in paragraph 471). For each Manufacturer Defendant for which Plaintiff can identify no such order, please so state.



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**Response to Interrogatory No. 28**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “each” “suspicious order[]” of opioids that each Manufacturer Defendant was under a “duty to report” and “not ship” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint, including in paragraph 471). Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2). Additionally, Plaintiff states that it continues to analyze the ARCOS database produced in this litigation and will provide liability expert report(s) in accordance with CMO 1 and the Federal Rules of Procedure.

**Interrogatory No. 29**

Identify and describe any specific efforts or activities on behalf of each Manufacturer Defendant to “work[] together to inflate the quotas of opioids” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint in the heading above paragraph 496). For each manufacturer Defendant for which plaintiff can identify no such specific effort or activity, please so state.

**Response to Interrogatory No. 29**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “any” specific efforts or activities on behalf of each Manufacturer Defendant to “work[] together to inflate the quotas of opioids” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint in the heading above paragraph 496). Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants.

Subject to and without waiving all objections, Plaintiff responds as follows: Plaintiff refers Defendants to Plaintiff’s Second Amended Corrected Complaint. Plaintiff further responds that this

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Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Plaintiff responds discovery continues and Plaintiff will produce a trial witness list and liability expert reports pursuant to CMO No. 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 30**

Identify any specific “payments” each Manufacturer Defendant made to “physicians,” including for “participating on speakers’ bureaus, providing consulting services, and other services” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint in paragraph 431). For each such identification, include (i) the Manufacturer Defendant who made it; (ii) when it was made; (iii) to whom it was made; (iv) where it was made; and (v) any evidence Plaintiff has that such “payment” was for an allegedly inappropriate purpose. For each Manufacturer Defendant for which you are not able to identify any such “payment,” please so state.

**Response to Interrogatory No. 30**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “any” specific “payments” each Manufacturer Defendant made to “physicians,” including for “participating on speakers’ bureaus, providing consulting services, and other services” (as those terms are used in Plaintiff’s Second Amended Corrected Complaint in paragraph 431). Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Manufacturer Defendants.

Subject to and without waiving all objections, Plaintiff responds as follows: Plaintiff incorporates its responses and objections to Interrogatory No. 1 of Plaintiff’s First Amended Responses and Objections to Manufacturer Defendants’ First Set of Interrogatories. Further responding, Plaintiff states that Plaintiff’s investigation of Defendants’ misconduct is ongoing and subject to Defendants’

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discovery responses, and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

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Dated: July 5, 2018

Respectfully submitted,  
Plevin & Gallucci

/s/ Frank Gallucci

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Napoli Shkolnik PLLC

/s/ Hunter J. Shkolnik

Hunter J. Shkolnik (admitted *pro hac vice*)  
Salvatore C. Badala (admitted *pro hac vice*)  
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Scott Elliot Smith L.P.A.

/s/ Scott Elliot Smith

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Thrasher Dinsmore & Dolan L.P.A.

/s/ Leo M. Spellacy, Jr.

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Cleveland, Ohio 44114  
Phone: (216) 255-5450

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**CERTIFICATE OF SERVICE**

I, Salvatore C. Badala, certify that on this 5th day of July 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order. *See* Dkt. No. 232.

*s/Salvatore C. Badala*